

MONTANA LEGISLATIVE HISTORY

Chapter 96 19 95

Bill H _____ S 165

Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) 3/1 ✓ c

_____ c

_____ c

_____ c

Date Out

3/1 ✓ c

S. Committee on Judiciary

Hearing Date(s) 1/24 ✓ c

_____ c

_____ c

_____ c

1/24 ✓ c

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

4/06	3RD READING FREE CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	85	14
4/08	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/10	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 489		
	EFFECTIVE DATE: 01/01/96		

SB 164 INTRODUCED BY GAGE
REMOVE STATE IMPEDIMENTS TO MUNICIPAL LICENSURE OF
BUSINESSES

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO BUSINESS & INDUSTRY		
1/25	HEARING		
1/27	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE FOR 45TH DAY		
	DIED IN COMMITTEE		

SB 165 INTRODUCED BY AKLESTAD
PROVIDE A DEADLINE FOR FILING OF AN AMENDED PETITION FOR
POSTCONVICTION RELIEF

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO JUDICIARY		
1/18	FISCAL NOTE REQUESTED		
1/20	FISCAL NOTE RECEIVED		
1/21	FISCAL NOTE PRINTED		
1/24	HEARING		
1/24	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/25	2ND READING PASSED	50	0
1/26	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
1/27	FIRST READING		
1/27	REFERRED TO JUDICIARY		
3/01	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/03	2ND READING CONCURRED	100	0
3/04	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
3/07	SIGNED BY PRESIDENT		
3/07	SIGNED BY SPEAKER		
3/08	TRANSMITTED TO GOVERNOR		
3/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 96		
	EFFECTIVE DATE: 10/01/95		

SB 166 INTRODUCED BY AKLESTAD, ET AL.
REVISE WHEAT AND BARLEY RESEARCH AND MARKETING ASSESSMENT
PROCESS BY REDUCING TIME WITHIN WHICH SWORN STATEMENT OF
PURCHASE, PLEDGE, OR STORAGE MUST BE FILED

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/18	FISCAL NOTE REQUESTED		
1/20	HEARING		

SENATE BILL NO. 165INTRODUCED BY ARLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A DEADLINE FOR THE FILING OF AN AMENDED PETITION FOR POSTCONVICTION RELIEF; CLARIFYING THAT ONLY ONE AMENDED PETITION MAY BE FILED; AND AMENDING SECTION 46-21-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-21-105, MCA, is amended to read:

"46-21-105. ~~Waiver~~ Amendment of petition -- waiver of grounds for relief. (1) All grounds for relief claimed by a petitioner under 46-21-101 must be raised in the original or amended petition. The original petition may be amended only once. At the request of the state, the court shall set a deadline for the filing of the amended petition. If a hearing will be held, the deadline must be reasonably in advance of the hearing but may not be less than 30 days prior to the date of the hearing. Those grounds for relief not raised in the original or amended petition are waived unless the court on hearing a subsequent petition finds grounds for relief that could not reasonably have been raised in the original or amended petition.

(2) When a petitioner has been afforded a direct appeal of the petitioner's conviction, grounds for relief that could reasonably have been raised on direct appeal may not be raised in the original or amended petition."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0165, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing a deadline for the filing of an amended petition for postconviction relief.

ASSUMPTIONS:

1. The bill will have no fiscal impact on the Department of Justice or other state agencies.

FISCAL IMPACT:

None

Dave Lewis 1-20-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Gary Aklestad 1-21-95
GARY AKLESTAD, PRIMARY SPONSOR DATE
Fiscal Note for SB0165, as introduced
SB 165

SENATE JUDICIARY

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

	1/13	2/11	2/14, 2/17, 3/27, 3/28		VOTE:		
SB0136	BAER, LARRY		GENERALLY REVISE ETHICS LAWS	3/28			
	3/24	3/27		PASS AS AMENDED	VOTE:		3/28
SB0141	SWYSGOOD, CHUCK		DISTRICT COURT CLERK ON JUDICIAL NOMINATION COMMISSION	1/19			
	1/14	1/19		ADVERSE RPT ADOPT	VOTE:		1/19
SB0143	BAER, LARRY		REJECT FEDERAL MANDATES NOT DERIVED FROM ENUMERATED FEDERAL AUTHORITY	1/19			
	1/13	1/16		PASS AS AMENDED	VOTE:		1/19
SB0148	EMERSON, C. A.		INITIATIVE FOR CONSTITUTIONAL AMENDMENTS NOT SUBJECT TO CHALLENGE AFTER ELEC	1/24			
	1/16	1/20		DO PASS	VOTE:		1/24
SB0149	EMERSON, C. A.		AMEND CONST. - REVISE "FULL LEGAL REDRESS"	1/24, 2/2, 2/8			
	1/16	1/20		TABLED ON 02/09	VOTE:		
SB0150	WATERMAN, MIGNON		ALLOW LIMITED DISCLOSURE OF NONIDENTIFYING ADOPTION INFORMATION; CON INTMEDY	1/20			
	1/16	1/20		DO PASS	VOTE:		1/20
SB0165	AKLESTAD, GARY		AMEND LAW RELATING TO AMENDED PETITION FOR POSTCONVICTION RELIEF	1/30, 2/2			
	1/17	1/24		1/24 PASS AS AMENDED	VOTE:		1/24
SB0167	BENEDICT, STEVE		METHODOLOGY FOR IMPLEMENTING FEDERAL MANDATES	2/8			
	1/17	1/27		PASS AS AMENDED	VOTE:		2/09
SB0174	JACOBSON, JUDY		EXTEND & REVISE LOCAL CITIZEN REVIEW BOARD PILOT PROGRAM	1/27			
	1/17	1/23		DO PASS	VOTE:		1/28
SB0175	VAN VALKENBURG, FRED		IMMUNITY FOR STATEMENTS MADE IN SEXUAL OFFENDER TREATMENT PROGRAMS	1/24			
	1/17	1/24		DO PASS	VOTE:		1/24
SB0185	VAN VALKENBURG, FRED		GENERALLY REVISE HABITUAL TRAFFIC OFFENDER PROCESS	1/24			
	1/18	1/24		DO PASS	VOTE:		1/24
SB0189	WELDON, JEFF		REVISE IMPLIED CONSENT LAWS	2/13			

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By SENATOR BRUCE CRIPPEN, Chair, on January 24, 1995, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Bruce D. Crippen, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Lorents Grosfield (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Linda J. Nelson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Judy Feland, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 165, SB 175, SB 185
Executive Action: SB 148, SB 185, SB 165, SB 175, SB 149

{Tape: 1; Side: A; Approx. Counter: 0.0}

HEARING ON SB 165

Opening Statement by Sponsor:

SENATOR GARY AKLESTAD, Senate District 44, in Northcentral Montana, gave the committee a brief overview of SB 165. The bill would apply only to post-conviction petitions filed in criminal matters in the State Court. It would amend Montana codes to clarify that petitions for post-conviction relief may be amended

only once. The courts have interpreted the law differently over the last few years, he said, and the main intent of SB 165 would be the one amended appeal. He said that the bill would attempt to cut down on abuse and unnecessary process in death penalty cases.

Proponents' Testimony:

Beth Baker, representing the Department of Justice, said that SENATOR AKLESTAD had asked their department what could be done, if anything, to reduce the amount of time taken up by death penalty cases. Because many appeals are in federal court, she said it was difficult for the state legislature to do anything, but they could clarify the law on how many amended petitions for post-conviction relief could be filed. The state law allows a post-conviction procedure after direct appeal, she said, and in the David Dawson case in Billings the district court agreed with Dawson that a second amended petition could be filed late in the proceedings after the state's motion for summary judgement had been granted on almost all other issues. It further delayed the proceeding. The bill won't hamper the defendant's ability to pursue his post-conviction remedies; it would only limit him to one amended petition, she said. It would apply in every post-conviction case, not just death penalty cases, but she found that there is more incentive in a death penalty case to try to delay the proceedings. That is where she thought the bill would have the most impact.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR STEVE DOHERTY asked Ms. Baker how a criminal defense lawyer would make constitutional arguments against this proposal and how would she respond in defending the act in meeting constitutional questions.

Ms. Baker said that the Constitution does not require the state to provide any post-conviction procedure. The state Constitution does have a provision, however, that preserves the writ of *habeas corpus* and the legislature has chosen to allow the post-conviction petition. They would argue that the right, she said, if there was one, of collateral proceeding in a criminal case has been preserved allowing amended petitions but limiting them to a reasonable number.

SENATOR MIKE HALLIGAN referred to Line 13, "at the request of the state or the court on its own motion," he asked why always just 'at the request of the state.' Would that be the only way it could come up? Why couldn't the court, on its own motion, set the deadline for the filing of the amended petition, he asked, either up-front or when the petition is filed?

SENATE JUDICIARY COMMITTEE

January 24, 1995

Page 3 of 12

Ms. Baker said that in any case the court would have the discretion to set a deadline but this would simply require that the deadline be set if so requested by the state. The court could start right off with a scheduling order setting the deadlines for amended petitions.

SENATOR HALLIGAN questioned what if the state did not request it.

Ms. Baker said that the state would not, but that they would have no objection if he wanted to insert, "or on its own motion."

Closing by Sponsor:

SENATOR AKLESTAD closed on SB 165 by emphasizing that presently and in the past, Montana has a problem with lingering death penalty cases. This bill would not be retroactive, he said, but would help in many cases in the future. He said the bill would be beneficial not only to society but to the judicial process itself, which now has a black eye because of the processes and the length of time involved. SB 165 would make the process more efficient, he said, and perhaps correct one of the wrongs in the procedure. He urged the committee to seriously consider the bill and recommended a Do Pass resolution.

CHAIRMAN CRIPPEN concluded the hearing and assured the sponsor that all bills are considered seriously by this committee.

HEARING ON SB 185

Opening Statement by Sponsor:

SENATOR FRED VAN VALKENBURG, Senate District 32, Missoula, sponsor of SB 185 opened the discussion telling the committee that the bill was at the request of the Department of Justice. The bill would do the following, he said: 1) convert the means by which a person would be declared a traffic offender from a judicial to an administrative proceeding, 2) provide that a person who has been declared an habitual traffic offender will have the right to appeal that decision to a district court thereby preserving that person's access to the courts to contest the decision that has been made, and 3) provide for a minimum sentence with respect to a violation of the habitual offender law for 14 days in the county jail as opposed to no minimum under the current law.

Proponents' Testimony:

Brenda Nordlund, an assistant attorney general working with the Motor Vehicle Division, represented the Montana Department of Justice and spoke in favor of the bill. She said the bill would streamline the process by which they declare habitual traffic offenders. A habitual traffic offender is someone who over the

Motion/Vote: SENATOR HALLIGAN MOVED THAT SB 185 DO PASS. The motion CARRIED UNANIMOUSLY on an oral vote.

EXECUTIVE ACTION ON SB 165

Motion/Vote: SENATOR HALLIGAN MOVED THAT THE AMENDMENTS CONTAINED IN EXHIBIT 165-1 BE APPROVED. The motion CARRIED UNANIMOUSLY on an oral vote.

Discussion: SENATOR BARTLETT questioned the effective date. In further discussion with SENATOR DOHERTY and John Connor, they determined it best left as is.

Motion/Vote: SENATOR HALLIGAN MOVED THAT SB 165 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY on an oral vote.

EXECUTIVE ACTION ON SB 175

Motion/Vote: SENATOR HALLIGAN MOVED THAT SB 175 DO PASS. The Motion CARRIED UNANIMOUSLY on an oral vote.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 1-24-95

FILE NO. SB 165

Amendments to Senate Bill No. 165
First Reading Copy

Requested by Senator Halligan
For the Committee on Judiciary

Prepared by Valencia Lane
January 24, 1995

1. Page 1, line 13.

Following: "state"

Insert: "or on its own motion"

DATE 1-24-95

SEN:1995
wp.rollcall.man

DATE 1-24-95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 165, SB 175, SB 185

< ■ > PLEASE PRINT // < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Beth Baker	Dept of Justice	165	✓	
Dean Roberts	Dept of Justice - mvd	185	✓	
Brenda Nordlund	Dept of Justice	185	✓	
Jon Silvers	LPC #124 Private Practice	175	✓	
Mike McGRATH	CO ATTYS ASSOC	165, 175	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 24, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB 165 (first reading copy -- white), respectfully report that SB 165 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Page 1, line 13.

Following: "state"

Insert: "or on its own motion"

-END-



Amd. Coord.
Sec. of Senate

211258SC.SRF

HOUSE JUDICIARY

Page 10

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

	1/23	3/01		CONCUR AS AMENDED 3/15	VOTE: 18-1		3/16
SB0132	BISHOP, AL		GENERALLY REVISE ESTATE AND TRUST LAW				
	2/20	2/28		CONCUR	3/2	VOTE: 18-0	3/04
SB0133	CHRISTIAENS, CHRIS		REDUCE JURORS IN CIVIL ACTION FROM 12 TO 9 AND PEREMPTORIES FROM 4 TO 3				
	1/25	3/02		TABLED ON 03/13	VOTE: 15-3		
SB0143	BAER, LARRY		REJECT FEDERAL MANDATES NOT DERIVED FROM ENUMERATED FEDERAL AUTHORITY				
	1/23	2/06	TIE VOTE 3/2 9-9	CONCUR AS AMENDED 3/22	VOTE: 12-6		3/23
SB0165	AKLESTAD, GARY		AMEND LAW RELATING TO AMENDED PETITION FOR POSTCONVICTION RELIEF				
	1/27	3/01		CONCUR	3/1	VOTE: 17-0	3/01
SB0174	JACOBSON, JUDY		EXTEND & REVISE LOCAL CITIZEN REVIEW BOARD PILOT PROGRAM				
	2/01	3/07	POSTPONE ACTION 3/15	CONCUR	3/22	VOTE: 17-2	3/22
SB0175	VAN VALKENBURG, FRED		IMMUNITY FOR STATEMENTS MADE IN SEXUAL OFFENDER TREATMENT PROGRAMS				
	1/27	3/09		TABLED ON 03/09	VOTE: 15-1		
SB0185	VAN VALKENBURG, FRED		GENERALLY REVISE HABITUAL TRAFFIC OFFENDER PROCESS				
	1/27	3/02		CONCUR AS AMENDED 3/13	VOTE: 18-0		3/13
SB0189	WELDON, JEFF		REVISE IMPLIED CONSENT LAWS				
	2/20	3/02		CONCUR AS AMENDED 3/13	VOTE: 16-1		3/13
SB0192	VAN VALKENBURG, FRED		PROSECUTOR SERVICES COORDINATOR'S SALARY SAME AS FULL-TIME ATTORNEY'S				
	2/16	3/03			VOTE:		
SB0206	BURNETT, JIM		REVISE LAWS ON INVESTIGATION AND REMOVAL OF CHILD IN SUSPECTED CHILD ABUSE				
	2/20	3/08		CONCUR AS AMENDED 3/21	VOTE: 11-8		3/22
SB0211	KEATING, TOM		RE: PROPERTY OWNER'S LIABILITY TOWARD PERSONS USING PROPERTY FOR RECREATION				
	2/20	3/03		CONCUR AS AMENDED 3/9	VOTE: 15-1		3/10
SB0212	BISHOP, AL		PROCEDURAL SAFEGUARDS FOR JOINT AND SEVERAL LIABILITY DETERMINATIONS				

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on March 1, 1995, at
8:00 AM.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Shiell Anderson, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Bill Carey (D)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Brad Molnar (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)
Rep. Cliff Trexler (R)

Members Excused: None

Members Absent: Rep. Brad Molnar
Rep. Liz Smith

Staff Present: John MacMaster, Legislative Council
Joanne Gunderson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 13, SB 165, SB 109, SB 113
Executive Action: SB 59 BE CONCURRED IN AS AMENDED
SB 61 TABLE
SB 69 BE CONCURRED IN
SB 90 TABLE
SB 165 BE CONCURRED IN

{Tape: 1; Side: A}

HEARING ON SB 165

Opening Statement by Sponsor:

SEN. GARY AKLESTAD, SD 44, said SB 165 pertained to ending abuses in the appeals process.

Proponents' Testimony:

Beth Baker, Department of Justice, supported the bill as part of an overall effort to limit successive appeals in criminal cases both at the state and federal levels. She familiarized the committee with the state's post conviction remedies and how this bill would alter the current system. The bill would apply to all post-conviction petitions filed in criminal cases and would require that the petition be amended only once. She recalled the Dawson case which brought the need for this bill to the forefront.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

SEN. AKLESTAD closed with remarks that this legislation would cut down on the incentive of some of the attorneys who may abuse the process and it would streamline the process.

HEARING ON SB 109

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, said SB 109 was a proposed constitutional amendment to give the legislature the authority to change the legal age for gambling from 18 to 21. The only current exclusion in the Constitution for people under 18 years of age is the possession, consumption, or purchase of alcoholic beverages. He cited the problems this causes tavern owners with youths allowed to gamble in their establishments. He also said it was a problem because 70% - 80% of 18-year-olds are still in high school.

Discussion: REP. ANDERSON restated the intent of the bill was to adopt by reference the latest military code.

Vote: The motion carried 15 - 2; REPS. CURTISS and BOHARSKI voted no.

EXECUTIVE ACTION ON SB 165

Motion: REP. MC GEE MOVED SB 165 BE CONCURRED IN.

Discussion: REP. CAREY asked if there were any constitutional issues with this bill.

Mr. MacMaster said he did not see any.

REP. MC GEE reported that a representative of the Department of Justice had said that this bill was as far as the state could go in clearing up the problems with the appeals system.

Vote: The motion carried unanimously by voice vote.

Motion: REP. TREXLER MOVED TO ADJOURN.

{Comments: This set of minutes is complete on two 60-minute tapes.}

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 3/1/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓	2:05 ✓	
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar		✓	
Rep. Debbie Shea	✓		
Rep. Liz Smith		✓	
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 3/1/95

BILL NO. SB 165 SPONSOR(S) Sen. A K. Kelstad

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Beth Baker	Dept of Justice	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14



HOUSE STANDING COMMITTEE REPORT

March 1, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 165 (third reading copy -- blue) be concurred in.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. McGee

Mr
3/1

Committee Vote:
Yes 17, No 0.

481352SC.Hbk

SENATE BILL NO. 165
INTRODUCED BY AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A DEADLINE FOR THE FILING OF AN AMENDED PETITION FOR POSTCONVICTION RELIEF; CLARIFYING THAT ONLY ONE AMENDED PETITION MAY BE FILED; AND AMENDING SECTION 46-21-105, MCA."

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-END-